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Message Text

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70
ACTION SCI-06

INFO OCT-01 IO-14 ISO-00 EUR-25 SS-20 ACDA-19 CIAE-00

INR-10 L-03 NSAE-00 NSC-10 RSC-01 FEA-02 DRC-01 /112 W
---------- 082662
R 011440Z MAR 74
FM USMISSION IAEA VIENNA
TO SECSTATE WASHDC 4014
INFO AEC GERMANTOWN
AMEMBASSY BERN

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E. O. 11652: N/A
TAGS: PARM, IAEA, SZ
SUBJECT: IAEA/SWITZERLAND NEGOTIATION OF SAFEGUARDS AGREEMENT

REF: STATE 34709

1. IN ACCORD PARA 4 REFTEL, VIEWS OF IAEA INSPECTOR GEN ROMETSCH HAVE BEEN OBTAINED INFORMALLY RE AGENCY ACCEPTANCE, PER PARA 28 (D) OF INFCIRC/66/REV.2, OF EURATOM SAFEGUARDS AS GENERALLY CONSISTENT WITH THOSE OF AGENCY.

2. ROMETSHC STATES THAT HE HAD PREVIOUSLY TAKEN POSITION WITH EURATOM THAT AGENCY CANNOT DO SO, UNDER ANY CIRCUMSTANCES, IN LIGHT OF LIMITED UNDERTAKINGS OF PARTIES TO TREATY OF ROME.HE POINTED OUT THAT PARA 77 OF THAT TREATY ONLY CALLS FOR PARTIES TO UTILIZE NUCLEAR MATERIALS FOR INTENDED PURPOSE, AS DETERMINED BY PARTY

ITSELF, AND NOWHERE IN TREATY DO PARTIES UNDERTAKE NOT TO USE NUCLEAR MATERIALS FOR NUCLEAR WEAPONS, ETC. IN ABSENCE UNDERTAKING COMPARABLE AT LEAST TO THAT IN NPT, ROMETSCH FIRMLY BELIEVES EURATOM SAFEGUARDS, STANDING ONLY ON ROME TREATY, NOT ENTITLED TO PARA 28(D) ACCEPTANCE BY AGENCY. HE ADMITTED THAT EURATOM STAFF DISAGREES WITH HIS INTERPRETATION OF ROME TREATY.

3. QUITE APART FROM FOREGOING LEGALISTIC ARGUMENT, ROMETSCH
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BELIEVES AGENCY WOULD BE ILL-ADVISED TO ACCEPT EURATOM SAFEGUARDS

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PER PARA 28(D), BECAUSE SUCH ACTION WOULD UNDERMINE FOUNDATION OF EURATOM-IAEA VERIFICATION AGREEMENT. ONCE THAT AGREEMENT ENTERS INTO FORCE, QUESTION BECOMES MOOT IN ANY EVENT, EXCEPT FOR SITUATION IN FRANCE.

4. ROMETSCH SAID HE WAS POINTED OUT INFORMALLY TO ZANGGER THAT HE SEES NO POSSIBILITY THAT BOARD WOULD APPROVE UNILATERAL SUBMISSION AGREEMENT CONTAINING PROVISION SIMILAR TO SECTION 15 OF US-SWISS-IAEA TRILATERAL AND THAT, ACCORDINGLY, SWISS SHOULD KEEP US-SWISS-IAEA TRIALTERAL IN FORCE IF THEY WANTED TO PRESERVE EXISTING ARRANGEMENT WITH RESPECT TO US-ORIGIN MATERIAL.
HE SAID HE URGED ZANGGER TO CONSIDER WHETHER PRESENT CIRCUM-STANCES, SUCH AS PROSPECTS FOR COMING INTO FORCE OF EURATOM-IAEA AGREEMENT, NECESSITATE PRESERVING, LET ALONE EXTENDING, SUCH ARRANGEMENTS.

5. MISSION PLANS CONVEY POSITION SER FORTH PARA 1 THRU 3 REFTEL TO SWISS REP SHORTLY AND WILL REPORT RESULTS. PORTER

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